

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Document # 13

United States of America

-v-

Jason James

USCA NO. 08-3077-cv

SDNY NO. 07-cr-1165
JUDGE: Jones
DATE: 7/16/08

INDEX TO THE RECORD ON APPEAL

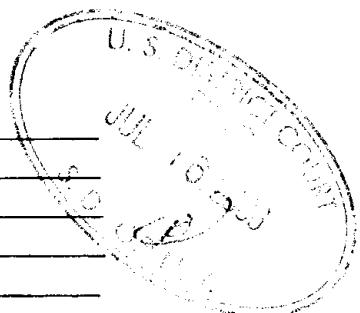
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

() Original Record

() Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A
for the Second Circuit on the 16 Day of July, 2008.

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Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 11, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York,
this 16 Day of July In this year of our Lord, Two Thousand and Eight, and the Independence of
the United States this 23RD year.

J. Michael McMahon, Clerk

By *John D. Clark* Deputy Clerk

APPEAL, CLOSED, ECF

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:07-cr-01165-BSJ-1
Internal Use Only

Case title: USA v. James

Date Filed: 12/17/2007
Date Terminated: 05/28/2008

Date Filed	#	Docket Text
12/17/2007	1	INDICTMENT FILED as to Jason James (1) count(s) 1. (jm) (Entered: 12/18/2007)
12/17/2007	2	Case Designated ECF as to Jason James. (jm) (Entered: 12/18/2007)
02/08/2008	3	AFFIRMATION of Natalie Lamarque in Support by USA as to Jason James (Lamarque, Natalie) (Entered: 02/08/2008)
02/28/2008	4	Arrest of Jason James. [Refer to Disposition Sheet for proceeding held on 2/29/08] (bw) (Entered: 03/05/2008)
02/29/2008	5	Minute Entry on 'Disposition Sheet' for proceedings held before Magistrate Judge Theodore H. Katz: Initial Appearance as to Jason James held on 2/29/2008. Date of Arrest: 2/28/08. AUSA Natalie Lamarque; Defense Counsel Sabrina Shroff (Legal Aid); Report waived; Proceeding - Rule 9. Bail Disposition: Detention on consent w/o prejudice. Dft pleads Not Guilty. Time excluded until 3/4/08. Date for Conference: 3/4/08 at 10:15 AM. (bw) (Entered: 03/05/2008)
02/29/2008	6	Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Arraignment as to Jason James (1) Count 1 held on 2/29/2008. (bw) (Entered: 03/05/2008)
02/29/2008	7	Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Plea entered by Jason James (1) Count 1 -- Not Guilty. (bw) (Entered: 03/05/2008)
02/29/2008	8	ORAL ORDER as to Jason James. Time excluded from 2/29/08 until 3/4/08. Pretrial Conference set for 3/4/2008 at 10:15 AM before Judge Barbara S. Jones. (bw) (Entered: 03/05/2008)
02/29/2008	9	CJA 23 Financial Affidavit by Jason James. Appointed Attorney Sabrina Shroff. (bw) (Entered: 03/05/2008)
03/04/2008	10	Minute Entry for proceedings held before Judge Barbara S. Jones: Pretrial Conference as to Jason James held on 3/4/2008, as to Jason James(Pretrial Conference set for 3/27/2008 at 02:00 PM before Judge Barbara S. Jones.)Dft present with atty Sabrina Shroff. AUSA Natalie LaMarque present. Court reporter present. Government to produce discovery within a week and provide defendant with Pimentel letter. Next conference will be held on March 27, 2008 at 2pm. Under the interest of justice exception of the Speedy Trial Act, the period of time from March 4, 2008 to March 28, 2008 is excluded to allow the Government to make discovery and to allow the defendant time to review it and decide on motions. These interests outweigh the interests of the defendant and the public in a speedy trial. Dft continued remanded. (jw) (Entered: 03/07/2008)
03/26/2008	11	Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck:Change of Plea Hearing as to Jason James held on 3/26/2008. Dft Jason James present w/counsel Sabrina Shroff. AUSA Natalie LaMarque present. Court rptr present. Dft entered guilty plea. PSI ordered. Interview to be conducted in presence of defense counsel. Bail continued as originally set. (Sentencing set for 5/22/2008 at 02:00 PM in Courtroom 18B, 500 Pearl Street, New York, NY 10007 before Judge Barbara S. Jones.) (Court Reporter Guido Tascione) (ja) (Entered: 04/01/2008)
03/26/2008	12	Change of Not Guilty Plea to Guilty Plea as to Jason James (1) Count 1. (ja) (Entered: 04/01/2008)
03/26/2008	13	Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Plea entered by Jason James (1) Guilty as to Count 1. (Court Reporter Guido Tascione) (ja) (Entered: 04/01/2008)
03/26/2008	14	Order of Referral to Probation for Presentence Investigation and Report as to Jason James. (Signed by Magistrate Judge Andrew J. Peck on 3/26/08)(ja) (Entered: 04/01/2008)
03/27/2008	15	ENDORSED LETTER as to Jason James addressed to Judge Jones from Attorney Sabrina P. Shroff dated 3/23/08 re: submitted to inform the Court that Mr. James intends to enter a guilty plea to the indictment that charges him with illegal re-entry. Counsel ask the Court to order an expedited pre-sentence report. ENDORSEMENT: Application is granted. Sentencing will be held on May 22, 2008 at 2 PM. (Signed by Judge Barbara S. Jones on 3/25/08)(bw) (Entered: 03/27/2008)
03/27/2008	16	Set/Reset Hearings as to Jason James: Sentencing set for 5/22/2008 at 02:00 PM before Judge Barbara S. Jones. (bw) (Entered: 03/27/2008)
03/27/2008	17	CONSENT TO PROCEED BEFORE US MAGISTRATE JUDGE ON A FELONY PLEA ALLOCATION by Jason James. (ja) (Entered: 04/01/2008)

05/02/2008	#7	TRANSCRIPT of Proceedings as to Jason James held on 3-27-08 before Magistrate Judge Andrew J. Peck. (jab) (Entered: 05/02/2008)
05/16/2008	#8	ORDER as to Jason James. The Court has carefully reviewed the transcript of the allocution, the charging papers, and all other pertinent parts of the record. The Court has determined from this review that the defendant entered the guilty plea knowingly and voluntarily and that there is a factual basis for the guilty plea. Accordingly, the Recommendation is accepted and the plea is acceptable to the Court. The Clerk of the Court is directed to enter the plea. SO ORDERED. (Signed by Judge Barbara S. Jones on 5/13/08)(jw) (Entered: 05/16/2008)
05/23/2008	#9	Minute Entry for proceedings held before Judge Barbara S. Jones: Sentencing held on 5/23/2008 for Jason James (1) Count 1. [See Judgment filed on 5/28/08] (bw) (Entered: 05/28/2008)
05/28/2008	#9	JUDGMENT In A Criminal Case. Date of Imposition of Judgment: 5/23/08. Defendant's Attorney: Sabrina Shroff. Defendant Jason James (1) pleaded guilty to Count(s) 1. Imprisonment: 16 Months. The court makes the following recommendations to the Bureau of Prisons: That the defendant be credited with the time served in federal custody on this charge. The defendant is remanded to the custody of the United States Marshal. Supervised Release: 3 Years. The above drug testing condition (see p.3 of judgment) is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. The defendant shall cooperate in the collection of DNA as directed by the probation officer. Special Conditions of Supervision (see p.4 of judgment). Assessment: \$100.00, due immediately. (Signed by Judge Barbara S. Jones on 5/23/08)(bw) (Entered: 05/28/2008)
05/28/2008	#10	Judgment entered in money judgment book as #08,0930 as to Jason James in the amount of \$ 100.00, re: <u>9</u> Judgment. (dt) (Entered: 05/30/2008)
06/03/2008	#10	NOTICE OF APPEAL by Jason James from <u>9</u> Judgment. (tp) (Entered: 06/13/2008)
06/03/2008	#10	Appeal Remark as to Jason James re: <u>10</u> Notice of Appeal - Final Judgment. Attorney CJA, 2/29/08. (tp) (Entered: 06/13/2008)
06/13/2008	#10	Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Jason James to US Court of Appeals re: <u>10</u> Notice of Appeal - Final Judgment. (tp) (Entered: 06/13/2008)
06/18/2008	#11	TRANSCRIPT of Proceedings as to Jason James held on 5/23/08 before Judge Barbara S. Jones. (ama) (Entered: 06/18/2008)